

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Confirmation: 3436

Lopez, *et al.*

Art Unit: 3625

Application Number: 10/664,820

Examiner: Airapetian, Mila

Filing Date: September 17, 2003

Docket No.: 170101-1381

Title: **METHOD AND SYSTEM FOR PRICE SUGGESTING USING ITEM-SPECIFIC ATTRIBUTES**

RESPONSE TO DECISION ON APPEAL OF MARCH 31, 2011

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the Decision on Appeal mailed on March 31, 2011, the following Response is submitted.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 20-0778.

Please amend the above-identified application as follows:

IN THE CLAIMS:

1-71. (Canceled)

72. (New) A method, comprising the steps of:

providing, in at least one computing device, item classification data that associates each of a plurality of item classifications with a corresponding set of attributes from a plurality of sets of attributes;

obtaining, in the at least one computing device, a selection by a user of one of the item classifications from a client computing device;

generating, in the at least one computing device, a first user interface that includes a listing of the set of attributes corresponding to the one of the item classifications according to the selection, the first user interface being configured to obtain at least one input value for the set of attributes from the user;

sending, in the at least one computing device, data including the first user interface to the client computing device;

obtaining, in the at least one computing device, the at least one input value specified by the user for the set of attributes from the client computing device;

determining, in the at least one computing device, a suggested price range from a set of historical sales prices in an auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes;

generating, in the at least one computing device, a second user interface including the suggested price range and a graph of the historical sale prices versus a

corresponding value of one of the set of attributes for each respective one of the items;
and

sending, in the at least one computing device, data including the second user interface to the client computing device.

73. (New) The method of claim 72, wherein the second user interface is configured to obtain an input value specified by the user for a fixed price of an item to be listed in the auction system, and the method further comprises the steps of:

obtaining, in the at least one computing device, the input value specified by the user from the client computing device; and

configuring, in the at least one computing device, the auction system to include a listing for an item having the input value as the fixed price, the item being classified under the one of the item classifications and having the at least one input value for the set of attributes.

74. (New) The method of claim 72, wherein the second user interface is configured to obtain an input value specified by the user for a starting price of an item to be listed in the auction system, and the method further comprises the steps of:

obtaining, in the at least one computing device, the input value specified by the user from the client computing device; and

configuring, in the at least one computing device, the auction system to include a listing for an item having the input value as the starting price, the item being classified under the one of the item classifications and having the at least one input value for the set of attributes.

75. (New) The method of claim 72, wherein the second user interface is configured to obtain an input value specified by the user for a bid on an item that is listed in the auction system, and the method further comprises the steps of:

obtaining, in the at least one computing device, the input value specified by the user from the client computing device; and

placing, in the at least one computing device, a bid corresponding to the input value for the item in the auction system, the item being classified under the one of the item classifications and having the at least one input value for the set of attributes.

76. (New) The method of claim 72, wherein the suggested price range includes a suggested maximum price and a suggested minimum price.

77. (New) The method of claim 72, wherein the second user interface includes an interface for listing an item for sale in the auction system, the item being classified under the one of the item classifications, the item having the at least one input value for the set of attributes.

78. (New) The method of claim 72, further comprising the step of determining, in the at least one computing device, the suggested price range based at least in part on whether the suggested price range is to correspond to a suggested fixed price listing in the auction system.

79. (New) The method of claim 72, further comprising the step of determining, in the at least one computing device, the suggested price range based at least in part on whether the suggested price range is to correspond to a suggested bid price for an existing item that is listed in the auction system.

80. (New) The method of claim 72, further comprising the steps of:
obtaining, in the at least one computing device, a desired auction length specified by the user from the client computing device; and
determining, in the at least one computing device, the suggested price range based at least in part on the desired auction length.

81. (New) The method of claim 72, further comprising the steps of:

generating, in the at least one computing device, a third user interface that is configured to facilitate the selection by the user of the one of the item classifications based at least in part on a subset of the item classifications that match at least one keyword specified by the user; and

sending, in the at least one computing device, data including the third user interface to the client computing device.

82. (New) The method of claim 72, further comprising the steps of:

generating, in the at least one computing device, a third user interface that is configured to facilitate the selection by the user of the one of the item classifications from a hierarchy of the item classifications; and

sending, in the at least one computing device, data including the third user interface to the client computing device.

83. (New) The method of claim 82, wherein the hierarchy corresponds to one of a plurality of hierarchies of the item classifications.

84. (New) A system, comprising:

at least one computing device;

item classification data, accessible to the at least one computing device, that associates each of a plurality of item classifications with a corresponding set of attributes from a plurality of sets of attributes; and

a price suggestion application executable in the at least one computing device, the price suggestion application comprising:

logic that encodes a first user interface for rendering by a client computing device, the first user interface including a listing of the set of attributes corresponding to one of the item classifications according to a selection by a user of the one of the item classifications, the first user interface being configured to obtain at least one input value for the set of attributes from the user;

logic that obtains the at least one input value specified by the user for the set of attributes from the client computing device; and

logic that encodes a second user interface for rendering by the client computing device, the second user interface including a suggested price range that is determined from a set of historical sales prices in an auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items.

85. (New) The system of claim 84, wherein the second user interface is configured to obtain an input value specified by the user for a fixed price of an item to be listed in the auction system, and the price suggestion application further comprises:

logic that obtains the input value specified by the user from the client computing device; and

logic that configures the auction system to include a listing for an item having the input value as the fixed price, the item being classified under the one of the item classifications and having the at least one input value for the set of attributes.

86. (New) The system of claim 84, wherein the second user interface is configured to obtain an input value specified by the user for a starting price of an item to be listed in the auction system, and the price suggestion application further comprises:

logic that obtains the input value specified by the user from the client computing device; and

logic that configures the auction system to include a listing for an item having the input value as the starting price, the item being classified under the one of the item classifications and having the at least one input value for the set of attributes.

87. (New) The system of claim 84, wherein the second user interface is configured to obtain an input value specified by the user for a bid on an item that is listed in the auction system, and the price suggestion application further comprises:

logic that obtains the input value specified by the user from the client computing device; and

logic that places a bid corresponding to the input value for the item in the auction system, the item being classified under the one of the item classifications and having the at least one input value for the set of attributes.

88. (New) The system of claim 84, wherein the second user interface includes an interface for listing an item for sale in the auction system, the item being classified under the one of the item classifications, the item having the at least one input value for the set of attributes.

89. (New) The system of claim 84, wherein the price suggestion application further comprises logic that determines the suggested price range based at least in part on whether the suggested price range is to correspond to a suggested fixed price listing in the auction system.

90. (New) The system of claim 84, wherein the price suggestion application further comprises logic that determines the suggested price range based at least in part on whether the suggested price range is to correspond to a suggested bid price for an existing item that is listed in the auction system.

91. (New) The system of claim 84, wherein the price suggestion application further comprises:

logic that obtains a desired auction length specified by the user from the client computing device; and

logic that determines the suggested price range based at least in part on the desired auction length.

92. (New) A non-transitory computer-readable medium embodying a program executable in a computing device, the program comprising:

code that obtains a selection of one of a plurality of item classifications from a user, each of the item classifications being associated with a respective set of attributes;

code that renders a first user interface for specifying at least one input value for a set of attributes associated with the one of the item classifications;

code that obtains the at least one input value from the user for the set of attributes; and

code that renders a second user interface that includes a suggested price range for an item in an auction system, the suggested price range being determined at least in part from a set of historical sales prices in the auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items.

93. (New) The non-transitory computer-readable medium of claim 92, wherein the program further comprises code that obtains data for rendering the first user interface and the second user interface from at least one computing device over a network.

94. (New) The non-transitory computer-readable medium of claim 92, wherein the second user interface is configured to obtain an input value specified by the user for a fixed price of the item which is to be listed in the auction system, and the program further comprises:

code that obtains the input value from the user;

code that sends the input value to at least one computing device associated with the auction system; and

wherein the auction system is configured to include a listing for an item having the input value as the fixed price, the item being classified under the one of the item classifications and having the at least one input value for the set of attributes.

95. (New) The non-transitory computer-readable medium of claim 92, wherein the second user interface is configured to obtain an input value specified by the user for a starting price of the item which is to be listed in the auction system, and the program further comprises:

code that obtains the input value from the user;

code that sends the input value to at least one computing device associated with the auction system; and

wherein the auction system is configured to include a listing for an item having the input value as the starting price, the item being classified under the one of the item classifications and having the at least one input value for the set of attributes.

96. (New) The non-transitory computer-readable medium of claim 92, wherein the program further comprises code that renders a third user interface that is configured to facilitate the selection by the user of the one of the item classifications based at least in part on a subset of the item classifications that match at least one keyword specified by the user.

REMARKS

Upon entry of this Response, claims 72-96 are pending in the application. Claims 72-96 are newly added. Claims 1, 3-10, 62, 65, 66, and 68-71 are canceled, without waiver, prejudice, or disclaimer, in response to the decision on appeal by the Board of Patent Appeals and Interferences affirming the final rejection of claims 1, 3-10, 62, 65, 66, and 68-71. Applicants respectfully request consideration of the pending claims in view of the following remarks.

I. Newly Added Claims

Claims 72-96 are newly added through this Response. Applicants respectfully submit that claims 72-96 contain no new matter and are fully supported by the specification of the present application. Further, Applicants respectfully submit that claims 72-96 are allowable over the cited references of *Fisher* (US 6,411,906) in view of *Walker et al.* (US 6,415,264, hereinafter *Walker*) for at least the following reasons.

A. Claim 72

Independent claim 72 recites:

72. A method, comprising the steps of:
providing, in at least one computing device, item classification data that associates each of a plurality of item classifications with a corresponding set of attributes from a plurality of sets of attributes;
obtaining, in the at least one computing device, a selection by a user of one of the item classifications from a client computing device;
generating, in the at least one computing device, a first user interface that includes a listing of the set of attributes corresponding to the one of the item classifications according to the selection, the first user interface being configured to obtain at least one input value for the set of attributes from the user;
sending, in the at least one computing device, data including the first user interface to the client computing device;

obtaining, in the at least one computing device, the at least one input value specified by the user for the set of attributes from the client computing device;

determining, in the at least one computing device, a suggested price range from a set of historical sales prices in an auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes;

generating, in the at least one computing device, a second user interface including the suggested price range and a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items; and
sending, in the at least one computing device, data including the second user interface to the client computing device.

(*Emphasis added*). Applicants respectfully submit that claim 72 is allowable over *Fisher* in view of *Walker* for at least the reason that neither *Fisher* nor *Walker* shows or suggests at least the elements of claim 72 emphasized above.


To begin, Applicants respectfully submit that *Fisher* fails to show or suggest at least these elements. The abstract of *Fisher* is reproduced below:

An electronic catalogue is implemented on a server computer by a software component which functions as a catalogue system and an associated database. The catalogue contains details on a set of individual products. The database contains a set of tables, which contain data items relating to the products. A set of first, second and third order templates are also stored in the database. Each second order template is subordinate to an associated first order template and each third order template is subordinate to an associated second order template. The electronic catalogue can be accessed via the public Internet from a client computer. When the user of the client computer wishes to retrieve information on a particular product, the client computer transmits a request to the server computer. The server computer uses the request to retrieve a first order template 150. The catalogue system then uses control information contained in the first order template 150 together with a request received from the client computer to search the tables in its database for data items relating to the selected product. Control information in the tables searched also specify a set of second order templates 152, 154, 156, 158 and 160, and a set of third order template 162, 164, 166, 168 and 170. These templates are retrieved by the catalogue system from the database. It then uses the retrieved data items together with the retrieved templates to create an information page containing data on the selected product. In this

information page, the first order template 150 defines the overall format of the page, the second order template defines the format of respective parts of the page and each of the third order template defines the format of a portion of a part of the page covered by an associated second order template 160.

Fisher appears to relate to creating "an information page containing data on the selected product" from an electronic catalogue. *Fisher* does not appear to relate to generating suggested price ranges or graphs of historical sale prices.

Walker also fails to show or suggest at least these elements of claim 72. FIG. 8 of *Walker* is reproduced below:



800

PRICE FLOOR <u>810</u>	HISTORIC SALES <u>820</u>	COMMISSION PERCENTAGE <u>830</u>	POSTING PAYMENT AMOUNT <u>840</u>
\$200.00	80%	10%	\$6.00
\$250.00	65%	10%	\$6.25
\$300.00	40%	10%	\$2.00

At col. 8, lines 46-49, *Walker* states: "a table such as the one shown in FIG. 8 is displayed to the seller to allow the seller to select his desired floor price and corresponding posting payment amount." Although *Walker* appears to disclose determining several price floors for an item to be sold, *Walker* does not appear to show or suggest at least "a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items" as claimed.

Applicants further assert that the combination of *Fisher* in view of *Walker* fails to show or suggest at least the elements of “generating, in the at least one computing device, a second user interface including the suggested price range and a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items” as recited in claim 72. For at least these reasons, Applicants respectfully submit that claim 72 is allowable over the cited references.

B. Claim 84

Independent claim 84 recites:

84. A system, comprising:
at least one computing device;
item classification data, accessible to the at least one computing device, that associates each of a plurality of item classifications with a corresponding set of attributes from a plurality of sets of attributes;
and
a price suggestion application executable in the at least one computing device, the price suggestion application comprising:
logic that encodes a first user interface for rendering by a client computing device, the first user interface including a listing of the set of attributes corresponding to one of the item classifications according to a selection by a user of the one of the item classifications, the first user interface being configured to obtain at least one input value for the set of attributes from the user;
logic that obtains the at least one input value specified by the user for the set of attributes from the client computing device; and
logic that encodes a second user interface for rendering by the client computing device, the second user interface including a suggested price range that is determined from a set of historical sales prices in an auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items.

(*Emphasis added*). Applicants respectfully submit that claim 84 is allowable over *Fisher* in view of *Walker* for at least the reason that neither *Fisher* nor *Walker* shows or suggests at least the elements of claim 84 emphasized above.

To begin, Applicants respectfully submit that *Fisher* fails to show or suggest at least these elements. *Fisher* appears to relate to creating “an information page containing data on the selected product” from an electronic catalogue. *Fisher* does not appear to relate to generating suggested price ranges or graphs of historical sale prices.

Walker also fails to show or suggest at least these elements of claim 84. At col. 8, lines 46-49, *Walker* states: “a table such as the one shown in FIG. 8 is displayed to the seller to allow the seller to select his desired floor price and corresponding posting payment amount.” Although *Walker* appears to disclose determining several price floors for an item to be sold, *Walker* does not appear to show or suggest at least “a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items” as claimed.

Applicants further assert that the combination of *Fisher* in view of *Walker* fails to show or suggest at least the elements of “logic that encodes a second user interface for rendering by the client computing device, the second user interface including a suggested price range that is determined from a set of historical sales prices in an auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items”

as recited in claim 84. For at least these reasons, Applicants respectfully submit that claim 84 is allowable over the cited references.

C. Claim 92

92. A non-transitory computer-readable medium embodying a program executable in a computing device, the program comprising:
code that obtains a selection of one of a plurality of item classifications from a user, each of the item classifications being associated with a respective set of attributes;
code that renders a first user interface for specifying at least one input value for a set of attributes associated with the one of the item classifications;
code that obtains the at least one input value from the user for the set of attributes; and
code that renders a second user interface that includes a suggested price range for an item in an auction system, the suggested price range being determined at least in part from a set of historical sales prices in the auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items.

(*Emphasis added*). Applicants respectfully submit that claim 92 is allowable over *Fisher* in view of *Walker* for at least the reason that neither *Fisher* nor *Walker* shows or suggests at least the elements of claim 92 emphasized above.

To begin, Applicants respectfully submit that *Fisher* fails to show or suggest at least these elements. *Fisher* appears to relate to creating “an information page containing data on the selected product” from an electronic catalogue. *Fisher* does not appear to relate to generating suggested price ranges or graphs of historical sale prices.

Walker also fails to show or suggest at least these elements of claim 92. At col. 8, lines 46-49, *Walker* states: “a table such as the one shown in FIG. 8 is displayed to the seller to allow the seller to select his desired floor price and corresponding posting payment amount.” Although *Walker* appears to disclose

determining several price floors for an item to be sold, *Walker* does not appear to show or suggest at least “a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items” as claimed.

Applicants further assert that the combination of *Fisher* in view of *Walker* fails to show or suggest at least the elements of “code that renders a second user interface that includes a suggested price range for an item in an auction system, the suggested price range being determined at least in part from a set of historical sales prices in the auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items” as recited in claim 92. For at least these reasons, Applicants respectfully submit that claim 92 is allowable over the cited references.

D. Claims 73-83, 85-91, and 93-96

Applicants respectfully submit that claims 73-83, 85-91, and 93-96 are allowable over the cited references for at least the reason that each depends from claims 72, 84, or 92, respectively.

CONCLUSION

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone the undersigned counsel of Applicants.

Respectfully submitted,

/Thomas B. Hildebrandt/

Thomas B. Hildebrandt
Registration Number: 59,303

**Thomas, Kayden, Horstemeyer
& Risley, L.L.P.**
600 Galleria Parkway, SE
Suite 1500
Atlanta, Georgia 30339-5910
Phone: (770) 933-9500
Fax: (770) 951-0933